IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA, 1928

OP.No. 27681 of 2002(U)

PETITIONER:

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1. MADATHILTHAZHA ABRAHAM, AYYAMKUNNU,
   ANGADIKKADAVU P.O., THALASSERY TALUK,
   KANNUR DISTRICT

2. MADATHILTHAZHA MATHAI, AYYAMKUNNU,
   ANGADIKKADAVU P.O., THALASSERY TALUK,
   KANNUR DISTRICT.

BY ADV. SRI.SERGI JOSEPH THOMAS

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY
   ITS SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT,
   GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM

2. THE DISTRICT COLLECTOR,
   KANNUR DISTRICT

3. THE TAHSILDAR, THALASSERY, KANNUR.

4. THE VILLAGE OFFICER, AYYAMKUNNU,
   THALASSERY

5. THE TALUK LAND BOARD, THALASSERY,
   REPRESENTED BY ITS CHAIRMAN, KANNUR DISTRICT

BY GOVERNMENT PLEADER SMT.LATHA THANKAPPAN.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 3.1.2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.NO.27681 OF 2002

A P P E N D I X

Petitioners' Exhibits :

EXT.P1:TRUE COPY OF THE DOCUMENT NO.2030/85 DT. 23.8.1984 OF S.R.O., ULIYIL.

EXT.P2:TRUE COPY OF THE DOCUMENT NO.2031/85 DT. 23.8.85 OF S.R.O.ULIYIL.

EXT.P3:TRUE COPY OF THE CERTIFICATE OF PURCHASE NO.2655/1974 DT. 10.2.1976 OF THE LAND TRIBUNAL, IRITTY.

EXT.P4:TRUE COPY OF THE JUDGMENT DT. 3.7.1989 IN C.R.P.NO.2393/88.

EXT.P5:TRUE COPY OF THE BASIC TAX RECEIPT NO.88 DT. 7.7.2001 ISSUED BY THE VILLAGE OFFICER, ANGADIKKADAVU IN FAVOUR OF THE FIRST PETITIONER.

EXT.P6:TRUE COPY OF THE BASIC TAX RECEIPT NO.89 DT. 7.7.2001 ISSUED IN FAVOUR OF THE SECOND PETITIONER.

EXT.P7:TRUE COPY OF THE ACT NO.22/2001.

EXT.P8 TRUE COPY OF THE PETITION DT. 27.1.02 SUBMITTED BEFORE THE HON'BLE MINISTER FOR REVENUE.

TGS

KURIAN JOSEPH, J.

O.P.NO. 27681 OF 2002

DATED 3rd JANUARY, 2007.

J U D G M E N T

Petitioners approached this Court aggrieved by the proceedings taken to evict them from their premises, which according to them, they have been holding for over two decades. They rest their claims on Exts.P1 and P2 documents, Ext.P3 Pattayam and Ext.P4 judgment. Since the Kerala Land Reforms (Amendment) Act, 2005 has come into force, it is prayed that they may be granted an opportunity to approach the Land Tribunal under Section 106B of the said Act, since they are entitled to succeed in view of Section 7E of the Act. Accordingly, this writ petition is disposed of permitting the petitioners to approach the Land Tribunal. In the event of the petitioners approaching the Land Tribunal within a period of two months from today, the matter will be disposed of by the said authority, within another four months. There shall be no coercive steps to evict the petitioners till such time. It is made clear that it will be open to the petitioners to remit the land tax subject to the decision by the

Land Tribunal.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.NO. 27681 OF 2002 U

J U D G M E N T

DATED 3rd JANUARY, 2007.